

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 14-20425-7

v.

HON. JUDITH E. LEVY

CHRISTOPHER PIERCE,

Defendant.

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**GOVERNMENT’S RESPONSE IN OPPOSITION TO DEFENDANT’S  
MOTION FOR COMPASSIONATE RELEASE (R. 479)**

On April 14, 2016, Defendant Christopher Pierce pleaded guilty to assault resulting in serious bodily injury in aid of racketeering, in violation of 18 U.S.C. §§ 1949(A)(3), 2. This Court sentenced him to 96 months in prison. (R. 296, PgID. 1298). On September 1, 2020, Pierce filed a pro se motion for compassionate release from USP Thomson. (R. 479). On September 24, 2020, the Court appointed counsel for Pierce. (R. 480).

If a defendant makes a motion for compassionate release, the district court may not act on it unless the defendant files it “after” either completing the administrative process within the Bureau of Prisons (BOP) or waiting 30 days from when the warden at his facility received his request. 18 U.S.C. 3582(c)(1)(A); *United States v. Alam*, 960 F.3d 831, 833-35 (6th Cir. 2020). As the Sixth Circuit

explained in *Alam*, exhaustion of administrative remedies is “a mandatory condition” that “must be enforced” when the government raises it. *Id.*

On September 22, 2020, the Bureau of Prisons notified the government that USP Thomson did not receive a request for compassionate release from Pierce. *See* Gov. Sealed Exhibit 1. Further, Pierce has not provided proof that he has exhausted his administrative remedies. Accordingly, the Court must dismiss Pierce’s motion without prejudice. Pierce may refile after he exhausts his administrative remedies within the BOP.

Pierce’s motion should be denied.

Respectfully submitted,

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Dated: October 1, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that on October 1, 2020, I electronically filed the foregoing document with the Clerk of the Court Eastern District of Michigan using the ECF system, which will send notification of such filing to all users of record:

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